



State of Louisiana
Louisiana Department of Health
Bureau of Health Services Financing

VIA E-MAIL ONLY

December 16, 2021

Mr. Richard Born, CEO
Aetna Better Health
2400 Veterans Memorial Blvd, Suite 200
Kenner, LA 70062

RE: Notice of Monetary Penalty – Community Case Management Implementation

Dear Rick:

Aetna Better Health (ABH) has an obligation to comply with the terms of the Louisiana Department of Justice Agreement in accordance with its contract with the Louisiana Department of Health (LDH). The contract provides:

6.1.16. The MCO shall comply with the terms of the Louisiana Department of Justice (DOJ) Agreement (Case 3:18-cv-00608, Middle District of Louisiana), subsequent implementation plans, and other activities required in order to implement this agreement in accordance with the DOJ Agreement Compliance Guide or as directed by LDH. LDH reserves the right to assess monetary penalties for failure to meet this requirement.

Page 8 of the Department of Justice (DOJ) Agreement Compliance Guide provides:

4. The MCO shall execute a contract with the LDH-approved community case management agencies by November 12, 2021, with community case management services provided to DOJ Agreement Target Population members beginning January 17, 2022.

5. The MCO shall ensure there is an adequate number of trained community case managers and supervisors employed by each agency to ensure access and face-to-face engagement of the target population to community case managers in accordance with the minimum contact requirements in Section VIII – Part D, the ability to provide same day responses or next business day responses during weekends and holidays by the assigned community

case manager, and with no more than a 1:15 ratio of trained community case managers to members in each region.

The DOJ Agreement Compliance Guide requires ABH to have contracted with a community case management (CCM) agency by November 12, 2021, to ensure there would not be delays in CCM implementation in 2022. As of the date of this Notice, ABH has not entered into a contract with the CCM agency.

Failure to adhere to the contract requirements cited herein carries a monetary penalty per occurrence per calendar day of non-compliance of \$5,000 as outlined in Section 20.3.3 of the contract between ABH and LDH. A penalty in the amount of \$165,000 will be retained from the next monthly capitation payment made to ABH for the failure to meet the November 12, 2021 deadline to execute a contract with a CCM agency. Penalties will continue to accrue per day until ABH has demonstrated compliance by executing a contract with a CCM agency. Should ABH, fail to implement CCM services for the DOJ Agreement Target Population members beginning January 17, 2022, additional penalties may be assessed for each occurrence each day of ABH's non-compliance.

Should you have any questions, please do not hesitate to contact me.

Sincerely,



Michael Boutte
Medicaid Deputy Director

MB/lj

cc: Teresa Bravo
Patrick Gillies
Candace Grace
Robyn McDermott
Marisa Naquin
Kim Sullivan
Christina Wilson
File: AET2-55